

Application No.: 10/001,769  
Appeal Brief dated December 1, 2005



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Re: Application of: COTE, et al.  
Serial No.: 10/001,769 Confirmation No.: 4317  
Filed: 10/26/2001  
For: INFEED APPARATUS FOR A SHEET MATERIAL  
ARTICLE TRIMMER  
  
Art Unit: 3725  
Examiner: PRONE, Jason D.  
Customer No.: 23280  
Atty. Docket: 6001.1179

Mail Stop: APPEAL BRIEF - PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 1, 2005

**APPELLANTS' BRIEF UNDER 37 C.F.R. § 41.37**

Sir:

Appellants submit this brief for the consideration of the Board of Patent Appeals and Interferences (the "Board") in support of their appeal of the Final Rejection dated July 29, 2005 in this application. The statutory fee of \$500.00 is paid concurrently herewith.

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## 1. REAL PARTY IN INTEREST

The real party in interest is Goss International Americas, Inc., a corporation having a place of business in Dover, New Hampshire, and the assignee of the entire right, title and interest in the above-identified patent application.

## 2. RELATED APPEALS AND INTERFERENCES

Appellants, their legal representatives, and assignee are not aware of any appeal, interference or judicial proceeding that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

## 3. STATUS OF CLAIMS

Claims 1 to 5, 7 to 11 and 21 are pending. Claims 6 and 12 to 20 have been canceled. Claims 1 to 5, 7 to 11 and 21 have been finally rejected as per the Final Office Action dated April 29, 2005.

The rejection to claims 1 to 5, 7 to 11 and 21 thus is appealed. A copy of appealed claims 1 to 5, 7 to 11 and 21 is attached hereto as Appendix A.

## 4. STATUS OF AMENDMENTS AFTER FINAL

No amendments to claims were filed after the final rejection. An advisory action was issued on June 24, 2005. A Notice of Appeal was filed on July 29, 2005 and received by the U.S.P.T.O. on August 1, 2005.

## 5. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 1 recites an infeed apparatus (e.g., 22 in Fig. 1, e.g., specification at paragraph [0032]) for a sheet material article trimmer (e.g., 20 in Fig. 1, e.g., specification at paragraph [0029]), the infeed apparatus (e.g., 22 in Fig. 1, e.g., specification at paragraph [0032]) comprising: a pusher element (e.g., shuttle 48 in Fig. 2, e.g., specification at paragraph [0035]) movable relative to a front table (e.g., 28 in Fig. 1, e.g., specification at paragraph [0032]) of the sheet material article trimmer (e.g., 20 in Fig. 1, e.g., specification at paragraph [0029]) and configured to move a sheet material article (see e.g., specification at paragraph [0043]) to be trimmed on the front table (e.g., 28 in Fig. 1, e.g., specification at paragraph [0032]) and into engagement with a backstop (e.g., 62 in Fig. 4, e.g., specification

at paragraph [0035]) of the front table (e.g., 28 in Fig. 1, e.g., specification at paragraph [0032]); and a driver (including e.g., 112 in Fig. 2, e.g., specification at paragraph [0059]) configured to move the pusher element (e.g., shuttle 48 in Fig. 2, e.g., specification at paragraph [0035]) at a same speed as the front table (e.g., 28 in Fig. 1, e.g., specification at paragraph [0032]) for a period of time with the pusher element (e.g., shuttle 48 in Fig. 2, e.g., specification at paragraph [0035]) in engagement with a first edge portion of the sheet material article (see e.g., specification at paragraph [0043]) and the backstop (e.g., 62 in Fig. 4, e.g., specification at paragraph [0035]) in engagement with a second edge portion of the sheet material article (see e.g., specification at paragraph [0043]), the period of time being at least as long as a time required for a front clamp (e.g., 72 in Fig. 8, e.g., specification at paragraph [0042]) of the sheet material article trimmer (e.g., 20 in Fig. 1, e.g., specification at paragraph [0029]) to move through a distance corresponding to a difference in thickness between a thinnest sheet material article (see e.g., specification at paragraph [0043]) in a range of thicknesses and a thickest sheet material article (see e.g., specification at paragraph [0043]) in the range of thicknesses so as to grip the sheet material article (e.g., specification at paragraph [0043]) against the front table (e.g., 28 in Fig. 1, e.g., specification at paragraph [0032]).

Independent claim 21 recites an infeed apparatus (e.g., 22 in Fig. 1, e.g., specification at paragraph [0032]) for a sheet material article trimmer (e.g., 20 in Fig. 1, e.g., specification at paragraph [0029]), the infeed apparatus (e.g., 22 in Fig. 1, e.g., specification at paragraph [0032]) comprising: a pusher element (e.g., shuttle 48 in Fig. 2, e.g., specification at paragraph [0035]) movable relative to a front table (e.g., 28 in Fig. 1, e.g., specification at paragraph [0032]) of the sheet material article trimmer (e.g., 20 in Fig. 1, e.g., specification at paragraph [0029]) and configured to move a sheet material article (see e.g., specification at paragraph [0043]) to be trimmed on the front table (e.g., 28 in Fig. 1, e.g., specification at paragraph [0032]) and into engagement with a backstop (e.g., 62 in Fig. 4, e.g., specification at paragraph [0035]) of the front table (e.g., 28 in Fig. 1, e.g., specification at paragraph [0032]); and a driver configured to move the pusher element (e.g., shuttle 48 in Fig. 2, e.g., specification at paragraph [0035]) at a different speed than the front table (e.g., 28 in Fig. 1, e.g., specification at paragraph [0032]) to move the sheet material article (see e.g., specification at paragraph [0043]) to be trimmed on the front table (e.g., 28 in Fig. 1, e.g., specification at paragraph [0032]) and into engagement with the backstop (e.g., 62 in Fig. 4,

e.g., specification at paragraph [0035]) and to move at a same speed as the front table (e.g., 28 in Fig. 1, e.g., specification at paragraph [0032]) for a period of time with the pusher element (e.g., shuttle 48 in Fig. 2, e.g., specification at paragraph [0035]) in engagement with a first edge portion of the sheet material article (see e.g., specification at paragraph [0043]) and the backstop (e.g., 62 in Fig. 4, e.g., specification at paragraph [0035]) in engagement with a second edge portion of the sheet material article (e.g., specification at paragraph [0043]), the period of time being at least as long as a time required for a front clamp (e.g., 72 in Fig. 8, e.g., specification at paragraph [0042]) of the sheet material article trimmer (e.g., 20 in Fig. 1, e.g., specification at paragraph [0029]) to move through a distance corresponding to a difference in thickness between a thinnest sheet material article (e.g., specification at paragraph [0043]) in a range of thicknesses and a thickest sheet material article (e.g., specification at paragraph [0043]) in the range of thicknesses so as to grip the sheet material article against the front table (e.g., 28 in Fig. 1, e.g., specification at paragraph [0032]).

## 6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1 to 5, 7 to 11 and 21 should be rejected under 35 U.S.C. §102(b) as being anticipated by Bryson et al. (US 3,733,947).

## 7. ARGUMENTS

### A. Rejections under 35 U.S.C. §102(b)

Claims 1 to 5, 7 to 11 and 21 were rejected under 35 U.S.C. §102(b) as being anticipated by Bryson et al. (US 3,733,947).

Claim 1 recites:

a pusher element movable relative to a front table of the sheet material article trimmer and configured to move a sheet material article to be trimmed on the front table and into engagement with a backstop of the front table; and

a driver configured to move the pusher element at a same speed as the front table for *a period of time* with the pusher element in engagement with a first edge portion of the sheet material article and the backstop in engagement with a second edge portion of the sheet material article, *the period of time being at least as long as a time required for a front clamp of the sheet material article trimmer to move through a distance corresponding to a*

***difference in thickness between a thinnest sheet material article in a range of thicknesses and a thickest sheet material article in the range of thicknesses*** so as to grip the sheet material article against the front table.

The driver thus drives the pusher element for a period of time longer than an instantaneous time. As clearly described for example with reference to Fig. 12, the period of time may correspond to for example when the shuttle (pusher) velocity matches the front table velocity from 20 degrees (clamp thinnest book) to 350 (clamp thickest book). The period of time as described is dependent on the range of possible book thicknesses for the infeed apparatus, but is independent of the actual book thickness as clearly described in the specification. See [0044] for example.

Bryson et al simply discloses a driver which moves the pusher element at a same speed as the front table as claimed at an instantaneous moment, as already admitted in previous office actions. It would not move over a period of time equal to 30 degrees of motion, as shown for example in Fig. 12 of the present invention. In fact, Bryson clearly shows a hand crank 79 which is used to set the instantaneous period of time, so that it is clear that the driver does not “move the pusher element at a same speed as the front table for *a period of time ..., the period of time being at least as long as a time required for a front clamp of the sheet material article trimmer to move through a distance corresponding to a difference in thickness between a thinnest sheet material article in a range of thicknesses and a thickest sheet material article in the range of thicknesses.*”

Claim 21 has a similar limitation.

Withdrawal of the rejection to claims 1 to 5, 7 to 11 and 21 is respectfully requested.

B. Claim 3: Argued separately

Claim 3 recites the infeed apparatus as recited in claim 1 wherein the driver includes:

a main cam rotated by a main trimmer drive of the sheet material article trimmer;  
and

at least one cam follower operatively connected to the pusher element and configured to follow the main cam so as to move the pusher element at the same speed as the front table when the cam follower is in a first arc of the main cam, the cam follower being on the first arc of the main cam for the period of time.

Bryson does not show any such first cam arc (see Fig. 3 of the present application),

nor has any been identified.

Withdrawal of the rejection to claims 3 to 5 for this reason as well is respectfully requested.

C. Claim 7: Argued separately

Claim 7 recites the infeed apparatus as recited in claim 4 wherein the at least one cam follower includes a first and a second cam follower disposed at opposite sides of the main cam and urged into engagement with the main cam.

Bryson does not show a second cam follower nor has any been asserted.

Withdrawal of the rejection to claim 7 for this reason as well is respectfully requested.

D. Claim 8: Argued separately

Claim 8 recites the infeed apparatus as recited in claim 1 wherein the driver includes a servo motor configured to vary a speed of the pusher element.

Bryson does not disclose a servo motor.

Withdrawal of the rejection to claim 8 for this reason as well is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance.  
Favorable consideration of this appeal brief is respectfully requested.

Respectfully submitted,  
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**APPENDIX A:**

**PENDING CLAIMS 1 to 5, 7 to 11 and 21 OF  
U.S. APPLICATION SERIAL NO. 10/001,769**

Claim 1 (original): An infeed apparatus for a sheet material article trimmer, the infeed apparatus comprising:

a pusher element movable relative to a front table of the sheet material article trimmer and configured to move a sheet material article to be trimmed on the front table and into engagement with a backstop of the front table; and

a driver configured to move the pusher element at a same speed as the front table for a period of time with the pusher element in engagement with a first edge portion of the sheet material article and the backstop in engagement with a second edge portion of the sheet material article, the period of time being at least as long as a time required for a front clamp of the sheet material article trimmer to move through a distance corresponding to a difference in thickness between a thinnest sheet material article in a range of thicknesses and a thickest sheet material article in the range of thicknesses so as to grip the sheet material article against the front table.

Claim 2 (original): The infeed apparatus as recited in claim 1 wherein the pusher element is further configured to retract from the sheet material article and engage a next succeeding sheet material article to be trimmed.

Claim 3 (original): The infeed apparatus as recited in claim 1 wherein the driver includes:

a main cam rotated by a main trimmer drive of the sheet material article trimmer; and

at least one cam follower operatively connected to the pusher element and configured to follow the main cam so as to move the pusher element at the same speed as the front table when the cam follower is in a first arc of the main cam, the cam follower being on the first arc of the main cam for the period of time.



Claim 4 (previously presented): The infeed apparatus as recited in claim 3 wherein the main cam includes a second arc, the at least one cam follower being configured to follow the main cam so as to move the pusher element through a return stroke when the cam follower is in the second arc of the main cam.

Claim 5 (original): The infeed apparatus as recited in claim 4 wherein the main cam includes a third arc, the at least one cam follower being configured to follow the main cam so as to move the pusher element through a forward stroke when the cam follower is in the third arc of the main cam.

Claim 6 (canceled).

Claim 7 (original): The infeed apparatus as recited in claim 4 wherein the at least one cam follower includes a first and a second cam follower disposed at opposite sides of the main cam and urged into engagement with the main cam.

Claim 8 (original): The infeed apparatus as recited in claim 1 wherein the driver includes a servo motor configured to vary a speed of the pusher element.

Claim 9 (original): The infeed apparatus as recited in claim 1 wherein the clamp is configured to grip the sheet material article against the front table for a trimming operation of the sheet material article trimmer.

Claim 10 (original): The infeed apparatus as recited in claim 9 wherein the trimming operation is performed using a front knife of the sheet material article trimmer disposed so as to reciprocate with the front table.

Claim 11 (original): The infeed apparatus as recited in claim 1 wherein the front table is included in a front trimmer assembly of the sheet material article trimmer.

Claims 12 to 20 (canceled).

Claim 21 (previously presented): An infeed apparatus for a sheet material article trimmer, the infeed apparatus comprising:

a pusher element movable relative to a front table of the sheet material article trimmer and configured to move a sheet material article to be trimmed on the front table and into engagement with a backstop of the front table; and

a driver configured to move the pusher element at a different speed than the front table to move the sheet material article to be trimmed on the front table and into engagement with the backstop and to move at a same speed as the front table for a period of time with the pusher element in engagement with a first edge portion of the sheet material article and the backstop in engagement with a second edge portion of the sheet material article, the period of time being at least as long as a time required for a front clamp of the sheet material article trimmer to move through a distance corresponding to a difference in thickness between a thinnest sheet material article in a range of thicknesses and a thickest sheet material article in the range of thicknesses so as to grip the sheet material article against the front table.

Application No.: 10/001,769  
Appeal Brief dated December 1, 2005

## **APPENDIX B**

### **Evidence Appendix under 37 C.F.R. §41.37 (c) (ix):**

No evidence pursuant to 37 C.F.R. §§1.130, 1.131 or 1.132 and relied upon in the appeal has been submitted by appellants or entered by the examiner.

## **APPENDIX C**

### Related proceedings appendix under 37 C.F.R. §41.37 (c) (x):

As stated in “2. RELATED APPEALS AND INTERFERENCES” of this appeal brief, appellants, their legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board’s decision in this appeal.